

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: Pltff. - 7-13-72

D. C. Form No. 106A Rev.

| TITLE OF CASE | | ATTORNEYS | | | |
|---|--------------|---|---------------------|-------|-------|
| <p>LANA K. DeBAKEY,</p> <p>Plaintiff,</p> <p>vs.</p> <p>MISSOURI-KANSAS-TEXAS RAILROAD COMPANY,</p> <p>A Corporation,</p> <p>Defendant.</p> | | <p>For plaintiff:</p> <p>Deryl L. Gotcher 1700 Fourth National Bank Bldg. Tulsa, Okla. 74119 <i>683-1115</i></p> <p>For defendant:</p> <p>Dickson M. Saunders R. Dobie Langenkamp & Mike Lewis 1200 Atlas Life Bldg. Tulsa, Okla. 74103 <i>585-5541</i></p> | | | |
| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
| J.S. 5 mailed <i>5-1-72</i> | Clerk | 4-10-72 | Doerner... | 15.00 | |
| | | 4-13-72 | C.D. No. 46 | | 15 00 |
| J.S. 6 mailed <i>11-1-73</i> | Marshal | | | | |
| Basis of Action: Personal Injuries. | Docket fee | | | | |
| | Witness fees | | | | |
| Action arose at: | Depositions | | | | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|--|------------------------------|
| 4-10-72 | Petition for Removal from Tulsa County, District Court, filed. v | |
| 4-10-72 | Bond on Removal, filed. Missouri-Kansas-Texas Railroad is principal and Aetna Casualty and Surety Co. is Surety--concerning the penal sum of \$500.00. v | |
| 4-10-72 | Notice of Petition for Removal, filed. v | |
| 4-10-72 | Certificate that Petition for Removal was filed in Tulsa County District Court, filed. v | |
| 4-10-72 | Answer of the Deft., filed. v | |
| 4-18-72 | Pltf.'s first interrogatories, filed. rm | |
| 6-16-72 | Ans. of def. to pltf. first interrogs., filed. rm | |
| 6-20-72 | Case set for Pre-Trial on Thurs., July 13, 1972 at 11:30 A.M. (FD-J)r | |
| 7-3-72 | Return on deposition subpoena, filed. Served C. O. Medlin by certified mail on 7-1-72. hm | |
| 7-5-72 | Defendant's Interrogatories to Lana K. DeBakey, filed. ds | |
| 7-13-72 | Pre-Trial held. Parties rep. Statements made. Pltf oral demand for Jury Trial is granted. Case to be set on <u>Jury Assignment</u> . (FD-J)r | |
| 7-24-72 | Case set for Jury Trial on Wed. Aug. 23, 1972 @9:30 A.M. (FD-J)r | |
| 8-10-72 | Answers to Defendant's Interrogatories to Lana K. Debakey filed. h | |
| 8-10-72 | Joint Stipulation and Application to strike case from jury docket filed.h | |
| 8-14-72 | Order striking case from jury docket, filed, to be reset on next regular jury docket. (FD-J)hm (copies mailed) | |
| 9-25-72 | Depositions of Joseph J. Stottman, C. L. Lewis, Harold Looney and Carl O. Medlin, on behalf of the Pltf., and the deposition of Lana K. Debakey, on behalf of the Deft., taken before Loyd J. Christesson, on the 11th of July, 1972, with fees of \$158.00, pd. by Pltf., and fees of \$56.00, pd. by Deft., filed. v <i>also provide stipulation to strike case for approval.</i> | |
| 10-25-72 | Pltf's AMENDED COMPLAINT, filed, w/leave given to file out of time(FD-J) r | |
| 10-25-72 | Ordered by the Court, that defts are directed to file answer to the Amended Complaint within 15 days. (FD-J)r (attys notified by letter) | |
| 11-14-72 | Answer to Amended Complaint, filed. v | |
| 1-12-73 | Case set for jury trial 2-5-73 at 9:30 a.m. (FD-J)hm | |
| 2-2-73 | Deposition of Herbert J. Forrest, M.D. taken on behalf of plt. on 1-26-73 by Frank L. Peterson CSR, fees of \$21.60 paid by plt., filed jj | |
| 2-5-73 | Ordered by the Court that this case be stricken from Feb. 5th Jury Docket at request of deft. Engineer ill and set for surgery this week. Pltf has no obj. (FD-J)r | |
| 2-6-73 | Subpoenae, ret. & filed: served J. D. Briggs & Averill Stowell, M.D., 1-30-73; Hugh Perry, 2-1-73; Jim Ferguson, 2-2-73; Gilbert P. Cornett, 2-5-73; Esther Prussack <u>unserved</u> . (USM \$22.36)g | |
| 3-7-73 | Case set for Jury Trial on Mon. 4-16-73 at 9:30 A.M. (FD-J)r | |
| 3-28-73 | Subpoena, ret. & filed: served Esther Prussack 3-27-73. (USM \$5.84)g | |
| 4-6-73 | Request for Continuance, filed by Deft. v <i>Handwritten signature</i> -order to Judge. | |

(CONT)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 4-11-73 | Order filed, that this case is stricken from the 4-16-73 docket to be reset at a later time, filed. (FD-J)r (Copies mailed) | |
| 8-7-73 | Case set for Jury Trials on Tues. 10-23-73 at 9:30 A.M. (FD-J)r | |
| 10-16-73 | Appl. of def. to file amend. to answer to amended complaint, filed. rm (proposed amendment attached) | |
| 10-23-73 | Order, filed, permitting def. to file amend. to ans. to complaint. (FD-J)rm | |
| 10-23-73 | Amendment to answer to amended complaint, filed. rm <i>copies mailed</i> | |
| 10-23-73 | Pre-trial order, filed. (FD-J)g | |
| 10-23-73 | Addendum to pre-trial order, filed. (FD-J)g | |
| 10-24-73 | Defs. memorandum trial brief, filed. rm | |
| 10-24-73 | Instructions requested by def., filed rm | |
| 10-25-73 | Case tried to jury 10/24/73 and 10/25/73. Parties pre. & rep. Jury empaneled & rule invoked. Testimony given; exhs. admitted & parties rest. Closing arguments; Ct. instructs jury; bailiff sworn and jury retires to deliberate at 4:20 p.m. 10/25/73. Def.'s mo/directed verdict overruled. Jury returns w/verdict 5:10 p.m., 10/25/73, is polled and discharged. Jury finds in favor of pltf. & assesses damages in amt. of \$7500. Verdict read & filed in open ct. Judgment on jury verdict directed to be filed and spread of record by clerk. (FD-J)rm | |
| 10-25-73 | Verdict, filed. rm | |
| 10-25-73 | Trial exhibits, filed. rm <i>all exhibits +</i> (large maps in exhibit room) | |
| 10-25-73 | Judgment on jury verdict in favor of pltf., in amt. of \$7500, plus costs, filed and entered. rm <i>copies mailed</i> | |
| 10-31-73 | Bill of Costs, filed by atty. for Pltf. Hearing on costs set for Nov. 9, 1973, at 9:30 a.m. jj | |
| 11-9-73 | Costs in amt. of \$601 taxed by Clerk. (JCS-Clk)rm | |
| 1-8-74 | Release of judgment, filed. g | |

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